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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JENS ERIK SORENSEN, As Trustee of
SORENSEN RESEARCH AND
DEVELOPMENT TRUST,

Plaintiff,

v.

SENCO PRODUCTS, INC., an Ohio
Corporation; and DOES 1-100

Defendants.

CASE NO. 3:08-cv-00071-BTM-CAB

**DECLARATION OF ROBERT S. MALLIN IN
SUPPORT OF SENCO PRODUCTS, INC.'S
OPPOSITION TO PLAINTIFF'S MOTION
FOR EXCEPTION TO STAY TO PRESERVE
EVIDENCE**

Date: August 8, 2008
Time: 11:00 a.m.
Courtroom: 15
Hon. Barry Ted Moskowitz

**NO ORAL ARGUMENT UNLESS REQUESTED
BY THE COURT**

I, Robert S. Mallin, declare:

1. I am a member of the bar of the state of Illinois, and I am a partner at the law firm of Brinks Hofer Gilson & Lione, which represents SENCO PRODUCTS, INC. in this action. I am admitted *pro hac vice* in this case. I make this declaration pursuant to Civ LR 7.1(f)(2)(a) in support of SENCO PRODUCTS, INC.'S OPPOSITION TO PLAINTIFF'S MOTION FOR EXCEPTION TO STAY TO PRESERVE EVIDENCE.

2. Attached at Exhibit 1 is a true and correct copy of a letter dated May 6, 2008

3. Attached at Exhibit 2 is a true and correct copy of a letter dated May 27, 2008

4. Attached at Exhibit 3 is a true and correct copy of a letter dated June 3, 2008.

5. Attached at Exhibit 4 is a true and correct copy of a letter dated June 6, 2008

6. SRDT did not respond to the letter dated June 6, 2008.

7. Attached at Exhibit 5 is a true and correct copy of a letter dated July 10, 2006.

8. Attached at Exhibit 6 is a true and correct copy of a letter dated November 30, 2007.

9. Attached at Exhibit 7 is a true and correct copy of a letter dated January 30, 2008 along with a true and correct copy of the Declaration of William Chen.

10. Attached at Exhibit 8 is a true and correct copy of a letter dated January 30, 2008.

11. Attached at exhibit 9 is a true and correct copy of the deposition of Robert Bugos that was filed by SRDT in Case No. 3:08-cv-00060-BTM-CAB on April 23, 2008 as Docket Entry No. 37-6.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on this 25th day of July, 2008.

/s/ Robert S. Mallin